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**Notice of Allowability**

Application No.

10/824,971

Examiner

Bryan Bui

Applicant(s)

TILLOTSON ET AL.

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/15/2004.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 15 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>5/18/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                              | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

1. This application is examined. Claims 1-16 are pending in the application.
2. IDS submitted on 5/18/2004 have been considered.
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Morley C. Tobey, Jr. on 6/14/2005.

The application has been amended as follows:

Claim 16:

line 15, delete ", " insert therein --;--

line 19, after term "the command set" insert --; --

line 25, delete " . " insert therein --;--

### ***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance:

Claims 1-16 are allowable over the prior art of record because none of the prior art whether taken singularly or in combination to teach the claimed invention as recited, particularly such require in combination to disclose for a method/a computer readable

memory device embodying a computer program of instruction/systems: selecting a node to alter, wherein each command of the command set comprises a different combination of SCPI grammatical elements, wherein the SCPI grammatical elements are organized hierarchically in a tree data structure, and wherein the tree has nodes with each node comprising one of the SCPI grammatical elements; specifying an alteration to the selected node; restricting access to the selected node and to any descendant nodes of the selected node; altering the selected node in accordance with the specified alteration, wherein the step altering the selected node is performed at runtime; and removing access restriction to the selected node and to any descendant nodes of the selected node, wherein at least the restriction, alteration, and removal steps are performed while the instrument is operational (claims 1, 6); A grammar logic module, wherein each command of the command set comprises a different combination of SCPI grammatical elements, wherein the SCPI grammatical elements are organized hierarchically in a tree data structure, wherein the tree has nodes with each node comprising one of the SCPI grammatical elements, wherein when a node is selected for alteration and an alteration to the selected node is specified, the grammar logic module has capacity of restricting access to the selected node and to any descendant nodes of the selected node, altering the selected node in accordance with the specified alteration, wherein the step altering the selected node is performed at runtime, and removing access restriction to the selected node and to any descendant nodes of the selected node, and wherein while access to the selected node is restricted, the instrument is operational (claim 11); means for selecting a node to alter, wherein each

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command of the command set comprises a different combination of SCPI grammatical elements, wherein the SCPI grammatical elements are organized hierarchically in a tree data structure, wherein the tree has nodes with each node comprising one of the SCPI grammatical elements; means for specifying an alteration to the selected node; means for restricting access to the selected node and to any descendant nodes of the selected node, wherein at least one node other than the selected node is accessible for instrument control and wherein the instrument is operable; and when the grammatical element of the selected node is to be removed from the command set; means for removing the selected node and any descendant nodes of the selected node from the tree; otherwise, when a new node comprising a new grammatical element is to be added to the command set; means for preparing the new node including the new grammatical element for inclusion in the tree and means for adding the new node to the tree; and otherwise, means for appropriately changing the grammatical element of the selected node; means for removing access restriction to the selected node and to any descendant nodes of the selected node, wherein at least the restriction alteration, and removal steps are performed while the instrument is operable (claim 16).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is 571-272-2271. The examiner can normally be reached on M-Th from 7am-4pm, and Alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BB

6/14/2005

**BRYAN BUI**  
**PRIMARY EXAMINER**

  
6/14/05